

Cumulative Index 1988-1990

Abortion,
Abortion Act, section 1(1)(b),
ambit of [1990] 687
selective reduction and feticide [1988]
199

Abuse,
children of,
delay in prosecution [1990] 645

Abuse of process,
prejudice and,
mere delay giving rise to [1990] 318
prosecution delays and, Australia, in
[1990] 552

Road Traffic Act, under [1990] 568

Accomplice,
intent, purpose and complicity [1988]
641

joint enterprise,
injury to prisoner [1988] 677

Acquittal,
rates of,
60 Crown Court centres, in [1990] 629

Actus reus,
justification for acts,
causal relationship to [1990] 559

Affray,
common law offence [1988] 604

Aiding and abetting,
passive assistance [1988] 41

Animals,
protection of wild [1989] 645

Appeal,
against conviction [1988] 107
guilty plea, after [1988] 741
by way of case stated [1988] 517
case stated application,
statutory period, and [1990] 569

Crown Court
abandonment [1988] 439
fresh evidence [1988] 369
jurisdiction,
relisting [1988] 370
mistake by counsel not valid ground
[1988] 109
re-trials and [1990] 615
substitution of verdict [1988] 679

Armed forces,
superior orders,
legality of [1989] 396

Arrest,
acts constituting [1988] 743
power of,
Justices of the Peace Act 1361, under
[1988] 107
statutory power of [1990] 394

Arson,
recklessness test [1988] 371

Assault,
abuse, and,
police against [1988] 600

Common,
absence of specific count, and [1990]
708

intend to rape, with [1988] 434
police, on [1988] 605
unlawful arrest and [1988] 741

recklessness and [1990] 321, [1990] 797

unlawful wounding,
recklessness, and [1990] 709

Attempt,
codifying statute,
relevance of *actus reus* in [1990] 800

Murder [1990] 44

Australia,
prosecution delays in,
abuse of process doctrine, and [1990]
552

Automatism,
defence of [1990] 256
hyperglycaemia [1989] 356

Autrefois convict,
drugs [1988] 435

Bail,
abuse of process,
doctrine inapplicable [1990] 801

application refused
reapplication [1990] 859

Bail Act,
three frequent questions on [1989] 493
defendants not asking for [1988] 152
factual misstatements alleged [1990] 859
fail to surrender to custody [1990] 395
failure to surrender [1988] 295
non-imprisonable offence,
conditions [1989] 207
surrender to custody,
meaning of [1988] 606
time limits,
one for each offence charged [1990]
801

Bank accounts,
Criminal investigations, and [1989] 185

Binding over. *See* Sentence

Blackmail,
decline and fall of [1989] 323
morphine injection, for
"with a view to gain for himself"
[1988] 236

CUMULATIVE INDEX 1988-1990

Blasphemy,
confined to Christianity [1990] 711

Broadcasting,
"private" radio,
non-British citizens, by [1990] 803

Buggery,
mental handicap,
evidence of [1988] 744

Burden of proof,
Hunt, value of [1988] 19
Public Order Act, and [1988] 19

By-laws,
validity,
prejudice to existing rights [1989] 208

Character,
directions to jury,
importance of [1990] 397

Children,
abuse of,
delay in prosecution for [1990] 645
doli incapax
rebuttal of presumption [1989] 498
evidence of, *see also* Evidence
trauma of [1990] 371

indecent photographs of,
age relevant [1988] 120

indecency with,
common law offence [1990] 415
wilful neglect,
failure to provide medical aid [1990]
715

Coercion,
reasonable belief insufficient [1988] 42

Collaborative testimony. *See* Evidence

Commitial,
delay [1989] 56
procedure [1990] 258
writ of *habeas corpus* [1988] 44

Common law,
criminal law, and,
Scotland, in [1990] 292

Community service, *see also* Sentence
national standards for,
discipline and breach [1989] 412

Company law,
creditors' winding-up,
fraudulent removal of property [1990]
804
fraudulent trading [1989] 559

insider dealing,
"obtaining" information [1989] 647
unsolicited information [1989] 134

Compensation,
Criminal Injuries Compensation Board
[1989] 32
offenders, by [1989] 32

Complicity,
intention, and [1988] 484, 641, 649
joint enterprises,
Mens rea and secondary participants
[1990] 383

purpose and the draft code [1990] 4
recklessness, and [1990] 98

Computers,
Computer Misuse Act [1990] 767
hacking,
forgery, and [1988] 437
misuse of,

Confession,
guilty pleas,
voire dire, and [1990] 860

Conspiracy,
defraud, to [1989] 714
guilty plea by co-conspirator [1988] 456
to defraud [1988] 137, 508
mens rea,
importation of drugs [1989] 712
passport,
jurisdiction [1989] 809

Consumer credit,
"cash price" and [1988] 438
misleading advertisement [1989] 560
Law Commission proposals [1989] 257

Contempt of court,
complainant,
not giving evidence [1989] 811
no evidence by prosecution,
position of judge [1989] 811
photographing defendant [1989] 282
prohibition of TV broadcast [1988] 237
summary jurisdiction,
inappropriate procedure [1988] 680
witness, of,
failure to give evidence [1989] 717

Copyright,
capturing pirates [1989] 709

Corporate crime,
individual responsibility, and [1988]
788

Costs,
habeas corpus,
award *inter partes* [1988] 681

Counsel,
conduct at trial,
material irregularity [1989] 562, 563
mistake by [1988] 109

Criminal code,
1870's attempts to introduce,
Cockburn L.J. and [1990] 315

Criminal damage [1988] 403, [1990] 48
defence of lawful excuse [1989] 136
lawful excuse,
objective test [1988] 682
relevance of damage done [1989] 57

CUMULATIVE INDEX 1988-1990

Criminal justice,
deserved sentences, and [1989] 353

Criminal law,
crime and regulation [1988] 211
New Zealand's 1989 Code [1990] 827

Crown Court,
appeal,
absence of appellant [1988] 439
committal [1988] 823
information,
appeal from magistrates [1990] 260

Current topics,
drink-drivers' PACE rights [1990] 177
tape recordings,
interviews with foreigners [1989]
643
two suspects,
decision to prosecute one [1989] 129

Customs and Excise,
access to recorded information,
VAT Act [1988] 684
fraudulent evasion,
knowingly concerned [1989] 210
seizure of property,
order for restitution [1988] 824

Dangerous offenders,
protective sentencing, and [1988] 424

Deception,
"execution" of document [1988] 372
exemption or abatement of liability
[1990] 326
forged cheques,
right to withdraw from account [1990]
806
obtaining pecuniary advantage by [1989]
565
obtaining supplementary benefit by,
[1989] 648

Defence,
duress [1989] 611, 622
insanity. *See* Insanity defence
necessity [1989] 611, 622
non-insane automatism,
insanity, or [1990] 256
provocation and diminished
responsibility [1988] 411
self-defence [1989] 611

Detention,
police station, at,
necessity principle [1990] 22
warrant for further [1988] 296

Diminished responsibility defence,
future of [1988] 75
provocation and [1988] 411

Dishonesty,
direction to jury [1990] 398

D.N.A. profiling,
police powers, and [1990] 479

Double jeopardy, [1990] 181
autrefois convict [1988] 46
careless driving and driving with excess
alcohol [1988] 46
two-timing the principle [1988] 103

Drugs,
class A,
"magic mushrooms" [1990] 261
cocaine,
importation [1988] 172
controlled,
conspiracy to produce [1990] 379
notes on [1988] 275

importation,
innocent third party and [1990] 648

inconsistent verdicts,
possession with intent [1990] 650

possession, [1988] 440
knowledge [1988] 517

trafficking,
production order conditions [1989]
888

European Community,
sea fishing,
false declaration as to catch [1989]
213

Evidence,
1984 PACE Act [1988] 453
bank application forms as record
[1990] 721
breaches of Code of Practice [1990]
109, 185, 329, 572
co-accused's plea of guilty [1989] 567
confessions and confusions under
[1989] 95
defendant's good character,
relevance [1990] 862
denial of access to solicitor [1988] 299,
608
discretion to exclude admissions
[1988] 519; [1989] 822
documentary records [1988] 452
fair play at trial, and [1988] 722
foreign confession statements [1990]
575
holding suspect incommunicado
[1989] 214
identification abroad [1990] 581
legal privilege, and [1988] 498
meaning of interview [1989] 815
overseas witnesses, and [1989] 435
questions after charge [1989] 62
rights and remedies and [1988] 802
special procedures, and [1988] 50, 498

CUMULATIVE INDEX 1988-1990

Evidence—*cont.*

- 1984 PACE Act Codes of Practice
 - breaches of [1988] 747
 - breath test, and [1989] 893
- commercial investigator subject to [1990] 863
 - failure to comply [1988] 748
- acquittal of co-accused,
 - credibility of police witness [1990] 572
- admissibility,
 - defendant's statement, of [1990] 263
 - documentary [1989] 573
 - letter of complaint, of [1989] 897
 - murder and previous woundings [1989] 898
 - photofit picture, of [1989] 571
 - previous consistent statement [1988] 244
 - suicide pact, on [1990] 264
- admissibility of confession,
 - failure to record interview [1989] 139
- admissibility of video recording [1989] 58
- admission of offences not in indictment,
 - admissibility [1989] 819
- admissions and confessions [1988] 678
 - breach of PACE Code [1989] 720
 - hearing defect [1989] 892
- admissions made by counsel [1989] 61
- admissions to police
 - no contemporaneous note [1989] 291
- agent provocateur*,
 - defence, and [1990] 653
 - exclusion [1989] 358
 - no defence to charge [1989] 285
- American law,
 - liberalisation of [1990] 790
- caution and interview codes,
 - breach of [1990] 512
- child, of,
 - corroboration of identification [1988] 301
 - proposals for reform [1988] 813
 - unsworn evidence of [1989] 889
- child witness,
 - Pigot Report [1990] 363
 - screening from defendant [1990] 515
 - sentencing and [1990] 371
 - termination of cross-examination of [1990] 343
 - unsworn and corroboration rule [1990] 510
 - videos, and [1990] 371
- co-accused, of,
 - prejudicial to other [1989] 894
- co-accused's,
 - one not giving evidence [1990] 571

Evidence—*cont.*

- co-accused's guilty plea,
 - admissibility of [1988] 686
 - summing up, and [1990] 514
- collaborative testimony,
 - courts of law, in [1990] 302
- competence of former spouse [1989] 64
- computer print-out,
 - absence of maker of [1988] 829
 - admissibility of [1989] 360
- confession [1989] 66
 - admissions, and [1988] 678
 - attacking with police embarrassments [1988] 573
- breach of PACE code [1990] 190
 - defendant attacking police evidence [1990] 190
- in absence of solicitor [1988] 446, 453
- low intelligence [1988] 241, 442, 445, 449
- mentally retarded offender [1989] 813
- reliability of [1988] 826
- conviction, of [1988] 527
- corroboration,
 - lack of [1990] 187
 - Law Commission proposals [1990] 667
 - misdirections by judge [1989] 562
 - proposals for rules on [1990] 449
 - rape by two accused [1989] 499
- cross-examination,
 - incriminating material and prosecution case [1990] 407
 - other offences, on (1988) 297
- customs documents compiled abroad [1988] 112
- defendant not giving,
 - direction to jury [1990] 341
- depositions,
 - witness dead before trial [1989] 820
 - direction to jury [1988] 110
- dishonesty,
 - Ghosh* direction, and [1990] 341
 - dock identification
 - court's discretion to exclude [1989] 289
- documentary hearsay,
 - vulnerable witnesses, and [1989] 629
- entrapment
 - undercover police, by [1988] 750
- exclusion of [1989] 142
- exculpatory statement [1989] 60
- exculpatory statements in interview accused, by [1990] 341
- false,
 - corroboration, and [1990] 111
- group identification inadmissible [1988] 242

CUMULATIVE INDEX 1988-1990

Evidence—*cont.*
guilty plea by co-assumed,
gross indecency with accused, of
[1990] 117
handling evidentiary exemption [1988]
345
harrassment,
corroboration necessary [1990] 810
hearsay [1989] 15
computer printouts and [1990] 401
hostile witness,
cross-examination in absence of jury
[1989] 817
identification [1989] 219
confrontation by [1988] 827
direction by judge [1990] 809
fabrication, and [1990] 115
failure to hold parade [1990] 402
Turnbull direction, and [1990] 716
identifying witness, by,
admissibility of [1990] 338
identity,
police informants, of [1988] 687
indecency with child,
invitation and cooperation [1989] 567
information to police
breach of Code of Practice [1989] 288
interview en route,
duty to show notes [1989] 500
interview not at police station,
record of [1989] 650
interview of suspect,
breach of Code of Practice [1988] 521,
523
irregular disclosure,
bad character, of [1990] 92
joinder of offences,
submission of "no case" [1990] 335
juvenile questioned,
no "appropriate adult" present [1989]
141
legal professional privilege [1988] 305
murder,
identification and *Turnbull* [1990] 113
non-contemporaneous statement,
conditions for allowing [1990] 192
Oath,
lawfulness of [1990] 719
pending charge,
cross-examination on [1989] 900
plea of guilty by co-accused,
new trial necessary [1990] 404
Police and Criminal Evidence Act. *See*
1984 PACE Act
police informant,
disclosure of identity [1988] 113
police interviews,
refusal to answer [1990] 574

Evidence—*cont.*
police surveillance,
public interest [1988] 239
pre-trial statements,
cross-examination on [1989] 364
previous convictions [1988] 48
cross-examination by co-defendant
[1989] 719
"cut throat" defence [1989] 569
previous statement,
whether admissible [1988] 303
relevance of [1990] 49
proof of county court judgment [1988]
110
proof of guilt by association,
PACE, s.74 [1990] 236
prosecution witness,
police informer [1990] 183
psychiatrist [1988] 290
rape,
complainant's previous sexual
relations [1988] 828
previous sexual encounter, and [1990]
717
rape at gun-point,
issue of consent [1990] 409
recognition,
safeness of conviction [1990] 50
Rehabilitation of Offenders Act,
good character, and [1989] 723
retrial [1990] 51
right of silence
help to jury on [1990] 188
sexual offences,
identification issue [1988] 688, 745
similar facts [1989] 67
need for specific direction [1990] 330
statement of deceased prosecution
witness [1990] 333
statutory offences,
"implied exception" [1988] 221, 233
suspect kept incommunicado,
no knowledge that embargo lifted
[1989] 218
unlawful sexual intercourse,
failure to allow cross-examination
[1990] 405
unsworn [1988] 525
unwilling witness,
procedure [1989] 817
US exclusionary rule,
defendants' changing rights, and
[1989] 117
witness statements,
documents of record, as [1988]
174
witness summons,
materiality, and [1990] 578

CUMULATIVE INDEX 1988-1990

Evidence—*cont.*
written statements,
statutory conditions of admissibility
[1990] 651

Extradition,
attempts,
jurisdiction [1989] 825
conspiracy to import drugs [1990] 196
Criminal Justice Act 1988, under [1989]
4
delay and abuse of process,
US and [1990] 584
disguised as deportation [1989] 589
evidence,
discretion on committal [1988] 832
habeas corpus [1988] 307
indictment on file,
whether “disposed of” [1988] 457
order to proceed,
specification of details of offence
[1989] 825
proof of foreign conviction [1988] 834
reasonable cause,
s. 12 of 1870 Act [1988] 691
tax evasion and [1988] 835

False accounting,
bills of exchange [1990] 865
failure to fill in document [1990] 411

False imprisonment,
mens rea [1988] 379

Fines,
issues of enforcement [1990] 839

Fire services,
wilful obstruction,
justifying refusal of entry [1990] 585

Firearms,
certificate,
excess ammunition and [1989] 901
electric stunning device [1988] 610
lethal weapons,
air rifles [1989] 365
meaning of ammunition [1990] 811
possession,
adaption for noxious liquid [1990] 868
intent to endanger life [1989] 574
possession with intent to endanger life,
Mens rea [1990] 413
possession without certificate,
flare launcher, of [1989] 724
sale or transfer,
silencer integral part [1989] 725
persons without certificate, to [1989]
146
strict liability offence [1990] 723

Food and Drugs,
food unfit for human consumption,
sale of [1990] 414

Food and Drugs—*cont.*
poultry with excess water,
time for laying information [1989] 651
preserved food for sale,
meaning of [1990] 725

Forensic medicine,
body samples,
Northern Ireland, in [1989] 198

Forgery,
double intention,
ss. 3 and 10 Forgery and
Counterfeiting Act [1988] 115
false name [1988] 176
falsity in [1989] 687

Fraud,
application to dismiss charge [1989] 726
conspiracy to defraud [1988] 137, 508
sentencing for [1989] 420
Serious Fraud Office [1989] 175
territorial jurisdiction and [1988] 280
power to investigate [1988] 837
transfer to Crown Court,
CJA under [1989] 726

Fraudulent trading,
defrauding creditors [1988] 376

Fugitive offenders,
Hong Kong, from [1988] 611

Going equipped for cheating,
counterfeit cassette tapes [1989] 436

Goods vehicles,
drivers' work and rest periods,
EEC regulations [1988] 755

Handling,
accomplice,
corroboration by defendant [1990]
118
Ghosh directions, and [1990] 118
recent possession [1990] 586

Handling stolen goods,
goods not stolen [1988] 238

Health and safety,
duty to persons other than employees
[1988] 752
factories,
asbestos regulations [1988] 691

Hearsay,
exceptions [1989] 15

Highways,
builder's skip [1988] 458
obstruction,
unlocked gates on bridlepath [1990]
726

Homicide,
alcoholism as defence [1988] 308

CUMULATIVE INDEX 1988-1990

Homicide—*cont.*
manslaughter,
acts of co-defendants [1988] 693
psychiatric expert evidence [1989] 220

Hong Kong,
dishonest appropriation,
textile export quotas [1988] 125

Housing,
unlawful eviction,
new offences [1989] 555

Identification,
failure to hold parade [1989] 144

Indecency,
“with or towards” children [1988] 528

Indecency with children,
outraging public decency,
common law offence [1990] 415

Indecent exposure,
question of fact [1990] 812

Indecent photographs,
age of child relevant [1988] 120

Indictment,
bill of,
proper officer's signature [1988] 459
counts wrongly joined,
counsel's responsibility [1988] 245
joinder of offences,
no similarity of evidence [1990] 869
not signed by proper officer [1990] 416
original stayed,
validity of fresh [1989] 439

Supply of drugs,
co-accused, to [1988] 378

voluntary bill,
amendment of [1990] 872
judicial reviews, and [1990] 654
time limit [1990] 871

Inland Revenue,
conspiracy to cheat,
whether offence known to law [1990]
427

Insanity,
post Hinckley in the U.S. [1988] 88

Insanity defence,
fact and fiction [1990] 247
non-insane automatism, or [1990] 256

Intent,
oblique,
legal politics and [1989] 793
present law on [1988] 484, 641, 649
purpose and complicity [1988] 641

Intention [1990] 85
legal concept,
confusion over [1990] 637, 642
“oblique” and “direct” [1990] 637,
642

Intoxication,
self-induced,
whether involuntary [1988] 698

Israel,
sexual abuse,
examination of children [1988] 263

Joint enterprise,
gbh with intent,
jointly indicted defendants [1989] 502

Joint charge,
theft of electricity [1988] 247

Mens rea and [1990] 383

Offence of specific intent [1988] 616
murder [1989] 903

Judges,
comments to press,
conviction unsafe [1990] 53

Jurisdiction,
territoriality,
fraud cases, and [1988] 280

Jury,
acquittal rates by [1990] 629
challenging and discharging jurors [1990]
225, 284
defence case,
reminder of [1989] 222
direction to,
factual basis on [1988] 178
discharge of juror,
retirement, after [1990] 730
discretion to discharge [1989] 828
error in verdict,
rectification before discharge [1990]
197
experiments by [1989] 653
“good reason” for excusal,
conscientious objection [1990] 417
judge refusing to discharge,
exercise of discretion [1990] 875
jurisdiction of,
public order offence [1990] 729
juror's private communication with
judge [1988] 52
material irregularity [1990] 873
offence with alternative elements,
directions to [1990] 344
peremptory challenge,
death of [1989] 528
trial outcome, and [1988] 731
provision of tape measure to [1990] 655
satisfying the [1988] 335
standby of jurors
trial outcome, and [1988] 731
summing up facts [1989] 781
summing up law [1989] 766

CUMULATIVE INDEX 1988-1990

Jury—*cont.*
verdict,
 jury not agreed [1990] 877
viewing scene of crime [1989] 905

Juvenile offenders,
 more justice for [1990] 153
 police cautioning of [1990] 165

Kidnap,
 babies of [1989] 473
 mens rea [1988] 379

Landlord and Tenant,
 harassment,
 stare decisis [1988] 839
 protection from eviction,
 unlawful harassment [1990] 877
 unlawful eviction,
 new offences [1989] 555

Legal advice,
 access to in police stations [1990] 494

Legal aid,
 application for,
 financial circumstances, and [1990] 589
 legal representatives,
 withdrawal of [1989] 714
 unrepresented defendant [1988] 380

Legal history,
 Criminal Code (Indictable Offences)
 Bill,
 Cockburne L.J. and [1990] 315

Legislation,
 statutory exceptions [1988] 31

Licensing,
 “any day”
 Sunday as [1989] 368
 restaurateur not agent,
 hotel's licensee, of [1990] 54
 sex establishment,
 criminal law, and [1990] 733

Local government,
 sex establishment,
 knowingly using without licence [1990] 419

Magistrates,
 70-day period,
 preparation of defence and [1989] 375
 abuse of process [1989] 576
 adjournment,
 absence of witness [1990] 266
 committal for sentence
 “character and antecedents” [1989] 503

Magistrates—*cont.*
 committal for trial,
 whether offence part of series [1988] 54
 common assault [1988] 381
 Court procedure,
 evidence and [1990] 421
 mode of trial [1988] 619
 dismissal of information,
 defective [1989] 224
 powers [1989] 148
 election for summary trial [1988] 311
 guilty pleas by post,
 prosecution costs, and [1990] 734
 immigration,
 sufficient evidence [1988] 529
 in camera proceedings [1988] 120
 information laid by unincorporated body
 [1989] 371
 interest of member of bench [1990] 733
 joint defendants and single charge,
 committal to Crown Court, and [1990] 736
 jurisdiction,
 dismissal of charge [1989] 728
 laying of informing,
 computer link, by [1988] 842
 lesser charge,
 adjournment [1989] 374
 Magistrates' Courts Committee [1988] 618
 magistrates' courts rules,
 duplicity [1988] 248
 means inquiry,
 warrant for [1989] 372
 power to change mode of trial [1989] 655
 powers of remand,
 other petty sessional area, to [1988] 53
 previous conviction,
 magistrate's knowledge of [1989] 147
 procedure,
 amendment of information [1988] 753
 hearing in absence of defendant [1989] 70
 information dismissed for duplicity
 [1990] 268
 jurisdiction to permit change of plea
 [1988] 754
 proceedings *in camera* [1988] 382
 prohibition of publication,
 contempt [1988] 181
 relisting of trial,
 power to order [1989] 149
 substituted charge,
 no abuse of process [1989] 370
 summary trial,
 plea of guilty [1988] 312

CUMULATIVE INDEX 1988-1990

Magistrates—*cont.*
territorial jurisdiction of,
offence outside [1990] 591, 592
withdrawal of summons [1989] 69
witness warrants,
refusal to issue [1990] 267

Manslaughter,
assault and *actus reus* [1988] 314
causation,
injection of heroin [1989] 149
heart attack following burglary,
cause of death [1989] 733
unlawful act [1989] 730, [1990] 588

Mens rea,
deception,
Ghosh directions, and [1990] 200
malicious wounding,
defence of accident [1989] 376
subjective test [1989] 505
murder,
aggravated burglary, during [1990] 119
reckless driving [1990] 121

Mental health,
“ill treatment” and “wilfully to neglect”,
separate counts [1990] 593
prosecution of mentally handicapped
[1989] 87
sexual suppressants,
Mental Health Act, and [1988] 660

Miscarriage of justice,
Court of Appeal and [1990] 615

Murder,
attempted [1990] 44
corporate crime, and [1988] 788
defence,
denial of presence [1989] 906
fresh evidence,
psychiatrist not called [1990] 122

Homicide Act,
provocation [1989] 736, 738
mens rea,
direction to jury [1988] 117
intent to do gbl [1989] 739
previous violence by defendant,
admissibility [1989] 734
provocation,
abnormal defendant [1990] 122
not part of defence [1989] 831
self-defence [1988] 906
reforming law of [1990] 75
robbery,
killing in course of [1988] 530
self-defence,
test to be applied [1988] 116

Natural justice,
judge shareholder,
no disclosure in open court [1989] 908

Necessity [1989] 611, 622
duress of circumstances [1989] 284

New Zealand,
1989 Criminal Code [1990] 827

Oblique intention,
legal politics, and [1989] 793

Obtaining by deception,
credit cards,
intention to deprive [1989] 293

Obscenity,
outraging public decency,
Obscene Publications Act or Common
law offence [1990] 738

Offences,
basic and specific intent, of [1989] 271
letting them happen,
passive assistance or encouragement
[1990] 780

Offences against the person,
threat to kill,
unborn child [1989] 834
noxious thing,
administration of [1988] 531

Offensive weapon,
intent to injure carrier [1989] 71
rice flail,
whether offensive *per se* [1989] 577
sword stick,
offensive *per se* [1988] 695

Perjury,
falsity of evidence,
need for two witnesses [1990] 741

Planning,
“final determination” of appeal [1988]
459
tree preservation order,
destruction without permission [1990]
516

Police,
arrest,
violent behaviour in police station, for
[1989] 150
assault and abuse against [1988] 600
assault on resisting arrest,
unlawful arrest [1990] 422
cautioning of juveniles [1990] 165
solicitor's clerk, and
right to deny access to client [1989]
440
tape recording interviews,
foreigners, with [1989] 643
use of “minimum force”
arrest of suspects, and [1990] 695

CUMULATIVE INDEX 1988-1990

Police and Criminal Evidence Act,
access to legal advice,
police malpractice, and [1990] 494

Codes of Practice,
breaches of [1990] 109
contribution of judges to [1990] 452

detention at police stations,
necessity principle [1990] 22

D.N.A. profiling and [1990] 479

power of entry and arrest [1988] 842

protection of special material,
special procedure for [1990] 472

rights and remedies and [1988] 802

special procedure,
ex parte application [1988] 384
form of notice of application [1988]
386
legal privilege, and [1988] 498

spouse competence and compellability
[1990] 34
whether interview under [1990] 425

treatment of suspects,
police stations, in [1990] 452, 494

Pollution,
"causing" [1989] 442
controlled waste,
purpose of use not relevant [1990]
813

service of abatement notice [1990] 426

Preparatory hearing,
exercise of discretion questions of law,
and [1990] 597

Prison,
Board of Visitors,
legal representation before [1989] 701

Prisoners,
mentally disordered,
transfer to hospital, of [1990] 544

untried or unSENTENCED [1988] 140

Private prosecution,
documents,
Crown Prosecution Service, and
[1988] 316

Privilege,
criminal proceedings, in [1988] 461

drug trafficking offences,
production of documents, and [1989]
444

PACE, and
items subject to [1989] 448

Procedure,
case stated [1989] 808

submission of no case [1988] 463

Prosecution of offences [1990] 55
abuse of process doctrine, and,
Australia, in [1990] 552

arrest without warrant
customs officers, by [1990] 742

Prosecution of offences—*cont.*
custody time limits,
acting with due expedition [1990] 745

juveniles [1990] 153
mentally handicapped [1989] 87

private [1989] 656
access to documents [1989] 152

Prostitution,
soliciting women for [1990] 814

Provocation,
diminished responsibility, and [1988]
411
no evidence of [1989] 749

Public health,
Control of pollution [1989] 226
statutory nuisance,
"conviction of sentence" for [1989]
450

Public Order,
attempt to rescue another,
police custody, from [1989] 579

breach of peace,
right of police to enter [1990] 58

direct threat,
person present or in earshot, to [1989]
581

insulting etc. words,
provocation of unlawful violence and
[1990] 598

offensive weapon,
self-defence and [1989] 451

"persons",
police officers as [1988] 848

threatening words and behaviour,
dwelling-house, in [1990] 518

"three or more persons",
acquittal of two [1989] 72

trespasser,
failure to leave [1989] 295

violent disorder,
three or more participants [1990] 124

three persons and [1989] 658

Punishment and prevention,
inappropriate prisoners [1988] 140

Rape,
attempted,
Mens rea, and [1990] 519

marital,
consent in [1989] 877, [1990] 198

research into [1989] 321

successive acts,
corroboration [1989] 216

Recklessness,
foresight [1988] 4

Remand,
custody in [1989] 481

CUMULATIVE INDEX 1988-1990

Reparation,
sentencing and [1989] 463

Revenue,
cheating,
omission to act [1989] 152

Right of silence [1989] 677
mental element, and [1988] 97

Road Traffic,
breath test,
failure to supply specimen [1989] 741
replaced by blood specimen [1989] 453
right to replace [1990] 656

causing death by reckless driving,
Lawrence direction, and [1990] 522

"causing",
positive act required [1988] 696

defective trailer [1989] 377

drink driving,
alternative specimen option [1989]
155, 832

asleep in car [1989] 154

blood-alcohol back-calculation [1989]
297

failure to provide breath specimen
[1989] 380
"feeding" parking meter [1989] 659

incorrect procedures [1990] 143
"medical reasons" [1990] 60

PACE rights [1990] 177

presumption of proportion of alcohol
[1990] 601

print-out not signed by police [1989]
583

driver's identity,
vehicle keeper's duty to give [1989]
582

driving while disqualified,
necessity as defence [1989] 284

driving with excess alcohol,
blood specimen [1988] 316, 758
failure to provide breath test [1988]
249

machine service record as evidence
[1988] 759

failure to provide breath specimen,
arrest unlawful [1990] 269
mental or physical inability [1990] 428

failure to provide specimen,
fear of AIDS [1988] 123

fixed penalty notices,
unincorporated body, and [1989] 910

goods vehicles
driving in restricted streets [1989] 510

in charge of motor vehicle,
Lion Intoximeter reliability, and
[1989] 379

reversal of burden of proof [1989] 382

unfit through drink or drugs [1989] 454

Road Traffic—*cont.*
insurance certificate,
duty to produce after accident [1990]
429

intoximeter,
blood specimen, and [1982] 384
disparity between readings [1988] 533
print out not produced [1989] 76
print out not signed [1989] 583

meaning of "locomotive" [1990] 600

no driving requirement,
condition of bail, as [1988] 739
unsupervised learner [1988] 122

North Report [1988] 707

public place,
drink driving and [1990] 600
speeding [1988] 756

Salmon and freshwater fisheries, Salmon
Act 1986, Meaning of "fixed engine"
[1990] 746

Scotland,
common law and criminal law in [1990]
292

Search,
arrested person,
police power to, [1989] 226

Search warrants,
entry,
search for drugs [1988] 534

Self-defence [1989] 611

Sentence,
addiction,
burglaries to buy heroin [1989] 309

adjournment,
custodial sentence after [1989] 663
inquiries relevant to sentence [1988]
627

adjournment for assessment,
custodial sentence after [1988] 255

age of offender [1989] 750

alteration,
subsequent conduct of offender [1988]
390

arson,
danger to public [1988] 546, 548
recklessness [1988] 472

assault occasioning actual bodily harm
[1988] 854

assistance to police or other authorities
[1988] 771

bail offence,
failure to surrender [1990] 275

binding over,
Law Commission working paper
[1988] 355

substantial recognisance [1989] 458

blackmail [1989] 391

CUMULATIVE INDEX 1988-1990

Sentence—cont.

buggery,
male without consent, of [1989] 669,
[1990] 526
without consent [1988] 850
women, of [1990] 527

buggery of child,
delay before prosecution [1990] 607

buggery with consent,
woman, of [1990] 65

cannabis,
Aramah guidelines [1989] 842
importing moderate amount [1989]
598

cannabis offences,
guidelines [1988] 258
importation by juvenile [1988] 549

care order,
charge and control condition [1989]
843
causing death by reckless driving [1990]
277

causing gbh,
revenge attack [1989] 518

child evidence and [1990] 371
trauma of [1990] 371

Children and Young Persons Act,
detention under [1989] 231

Community service order [1988] 773
breach of requirements of [1988] 394
damage to property [1988] 776
whether order excessive [1988] 259

cocaine,
importation [1988] 628
importation [1989] 307

community service,
consecutive orders [1990] 130

community service order [1989] 164, 412
cannabis for personal use [1989] 594
reckless driving and [1989] 387

company director disqualification [1988]
472
grounds for [1990] 818

compensation order,
defendant without means [1990] 208
disclosure of means [1989] 160
distress and anxiety, for [1990] 443
offender in prison [1989] 751
sale of offender's home [1989] 230
imprisonment, and [1988] 254, [1990]
349

means of offender [1990] 128
payment by instalments [1988] 851
saleable asset [1990] 132

confiscation order,
drug offence, for [1988] 515

consecutive,
offences simultaneous [1988] 128

Sentence—cont.

conspiracy to rob [1989] 671
costs,
prosecution, of [1988] 390

Costs of prosecution,
order to pay [1989] 228

Criminal Justice Act 1988,
changes under [1989] 43

counterfeiting [1989] 522

criminal damage [1989] 164

dangerous offender,
appropriate sentence [1990] 209
assault by [1990] 886
morality of protective sentence [1988]
424

deferment of,
further offences during [1990] 134

delay to trial,
defendant absconded [1989] 512

deserved,
criminal justice and [1989] 340

detention in young offender institution,
assault causing actual bodily harm
[1990] 751

day time burglary of dwelling [1990]
659

differing degrees of gravity of offences
[1990] 650

statutory criteria [1990] 213, 749, 750,
884

detention of juvenile,
magistrates, by [1988] 774

discount for guilty plea [1990] 664

discrimination on sex grounds [1988]
163

disparity of,
different judges [1989] 667

disqualification from driving,
life for [1989] 920

offence of conspiracy, and [1990] 753

vehicle used in crime [1988] 626

domestic provocation cases [1989] 546

driving disqualification [1989] 386

discretionary [1989] 458

drugs,
importation of substantial quantity
[1988] 550

drug trafficking [1989] 598

benefit from [1988] 775, 778

confiscation order relevance [1989]
755, [1990] 530, 748

general considerations [1990] 603
“the amount that might be realised”
[1990] 528

entrapment,
mitigating factor, whether, [1989] 846

exclusion from licensed premises,
appropriateness [1990] 608

CUMULATIVE INDEX 1988-1990

Sentence—*cont.*

extended,
 gap in history of offending [1989] 305
 long record [1989] 516
 minor offences [1988] 61
extraded defendant,
 custody abroad served [1988] 852
factual basis for [1988] 131, 326, 388, 769
assault on young child [1989] 670
conspiracy [1988] 62
establishing [1990] 752
manslaughter [1989] 668
Newton hearing, and [1989] 913
plea of guilty [1988] 389
fine,
 conditional discharge, and [1990] 663
 problems of enforcement [1990] 839
fine in substantial amount,
 failure to dissolve means [1988] 700
fines and compensation orders,
 payment by instalments [1989] 387
fines for repeated offences [1990] 352
firearms offences [1989] 304
firearms, without certificate
 sawn-off shotgun [1988] 65
forfeiture of money [1988] 387
“related to the offence” [1988] 186
fraud, for [1989] 420
gross indecency with child,
 maximum for [1990] 447
guilty plea,
 discount for [1988] 188
 discount for [1989] 600
heroin,
 conspiring to supply [1988] 258
heroin,
 importation [1989] 77
 importation of substantial amount
 [1989] 515
 possession for supply [1989] 306
hospital order,
 restriction with [1989] 757
hospital order with restriction [1988] 130
incest,
 adult daughter, with [1989] 600
 delay before prosecution [1990] 607
 general considerations [1989] 517
 guidelines [1989] 923
 non-custodial sentence [1990] 438
 teenage daughter [1989] 390
indecent assault,
 female on [1989] 666
 stranger, on [1989] 514
indecent assault and buggery,
 young children, on [1988] 329
indecent assault [1988] 327
 adopted daughter, on [1988] 850
 aggressive [1988] 777

Sentence—*cont.*

indecent assault,
 girl of 13, on [1988] 129
 parent or step-parent [1988] 67
 stranger on young girls [1988] 66
infanticide [1990] 348
juvenile,
 custodial sentence [1989] 161
 life detention and [1990] 206
 long term for robbery [1989] 520
 long term detention [1988] 134, 183,
 184, 328, 392, 394
legal representation for [1990] 817
life imprisonment,
 counsel submissions and [1990] 662
 indeterminacy of [1989] 244
 murder and robbery, for [1989] 666
 no evidence of mental instability
 [1989] 78
 unusual violence [1989] 233
 manslaughter [1988] 63
 no specific medical evidence of
 dangerousness [1988] 182
manslaughter [1988] 545
 child, of [1990] 67
mentally disordered prisoners,
 transfer to hospital of [1990] 544
non custodial penalties,
 principles of desert, and [1988] 555
offence of violence,
 suspected mental illness [1988] 132
parole,
 revocation of licence [1988] 392
partly suspended,
 restoration of balance [1988] 471
 wounding with intent [1988] 256
persistent offender,
 minor offences [1988] 628
 multiplicity of thefts [1989] 79
perverting justice,
 interfering with witness [1990] 754
possession of heroin,
 intention to supply [1989] 162
powers of court,
 duty to ensure sentence within, [1990]
 434
pre-arraignment discussions,
 guidelines in *Turner* [1990] 354
pre-trial indication of [1990] 661
probation order,
 awaiting sentence for earlier offence
 [1989] 664
 offence committed during [1989] 229,
 309, 671
 time in custody [1989] 513
proceeds of drug trafficking,
 deduction of outgoings [1989]
 752

CUMULATIVE INDEX 1988-1990

Sentence—*cont.*

- rape [1988] 189
 - evidence of effect on victim [1988] 474
 - former sexual partner [1990] 436
 - incest, and [1990] 211
 - juveniles, by [1988] 133, 853
 - previous convictions [1990] 64
 - previous relationship with victim [1988] 325
- reasons for,
 - empirical investigation [1988] 584
 - recommendation for deportation, EEC citizen [1989] 165
 - recommendation for deportation [1988] 252
- reparation,
 - mitigation, as [1989] 463
- rights in property,
 - deprivation of [1990] 755
- robbery of betting-shop,
 - shotgun fired [1990] 212
- robbery of sub-post office [1990] 437
- robbery with violence [1988] 190
- sexual suppressants,
 - Mental Health Act, and [1988] 660
- substantial,
 - desirability of giving reasons for [1988] 186
- suspended,
 - activation [1988] 629; [1989] 914, 917
 - allowance for custody on remand [1989] 665
 - cannabis for personal consumption [1989] 158
 - length [1988] 469
 - length of [1989] 232
- powers of Criminal Courts Act, and [1990] 533
- substantial period on remand, after [1990] 446
- supervision order [1989] 159
- Sweden,
 - new statute [1989] 275
- theft,
 - hospital porter, by [1988] 549
- unlawful sexual intercourse,
 - White Paper on [1990] 217
- VAT fraud [1988] 61
- violence,
 - rugby union, in [1989] 513
 - young children, towards [1989] 922
- young adult,
 - determination of age for [1990] 816
 - suspended sentence and [1990] 441
- targeting [1990] 852
- young offender detention [1989] 389, 916, 918
- arson of bus depot [1990] 435

Sentence—*cont.*

- young offender detention—*cont.*
 - causing gbh with intent [1990] 350
 - consecutive or concurrent sentences [1990] 276
 - discount for age [1990] 130
 - grounds for interfering with [1990] 132
 - statutory criteria [1989] 592, 595, 596, 754, 837, 838, 841, 844; [1990] 274, 351, 440, 444, 531, 532, 606, 822
 - threatening behaviour, for [1990] 133
- Sex establishment,
 - using premises as [1989] 455
- Sexual offences,
 - crime of sexual assault,
 - need for [1989] 331
 - examination of children,
 - Israeli law and practice [1988] 263
 - gross indecency with child,
 - material dates of [1990] 524
 - indecent assault, [1988] 357
 - aiding and abetting [1989] 584
 - wife, on [1988] 124
 - “kerb-crawling”,
 - soliciting for prostitution [1989] 660
 - rape,
 - mistaken belief in identity [1988] 846
 - sexual intercourse,
 - unintentional [1989] 539
 - sexual suppressants,
 - Mental Health, and [1988] 660
- Shops,
 - Sunday trading,
 - car boot sale [1989] 385
- Solicitor's clerk,
 - access to client, by
 - police right to deny [1989] 440
- Street trading,
 - pedlar,
 - meaning of [1988] 540
- Suicide,
 - year and a day rule applies [1988] 541
- Summing-up,
 - supplementary direction [1988] 317
- Sunday trading,
 - exempted item [1988] 318
- Sunday trading 662
 - travel agents,
 - whether shop [1989] 157
- Sweden,
 - sentencing statute [1989] 275
- Terrorism,
 - armed forces, and [1989] 396
- Theft,
 - appropriation, [1990] 271
 - corporate body, from [1989] 585

CUMULATIVE INDEX 1988-1990

Theft—*cont.*
 borrowing without consent,
 intention permanently to deprive
 [1989] 299
 chose in action,
 forged cheque [1988] 319
 defence of right to take [1990] 202
 direction to jury,
 “borrowing”, on [1988] 321
 dishonest appropriation,
 Hong Kong [1988] 125
 failure to direct jury,
 functions of judge and jury, on [1990]
 202
 going equipped [1988] 55
 housing benefit,
 tenant using for own benefit [1988] 620
 property belonging to another,
 mistake [1988] 465, 762
Town and Country planning,
 stop notice,
 enforcement notice, and [1990] 747
Trade Descriptions,
 false description,
 no written disclaimer [1990] 658
 in the course of trade or business [1990]
 879
 materiality of false description, [1989]
 911
 reckless making of false statement [1988]
 623
Treasure trove,
 ancient coins,
 likelihood of [1990] 125
Trial,
 acquittal,
 retrial, and [1989] 745
 admissibility,
 statements made outside jurisdiction
 [1989] 589
 basis of verdict [1989] 742
 common assault,
 change of law on [1990] 525
 conduct of counsel [1989] 562, 563
 conflict of laws,
 Treaty of Rome [1988] 323
 convictions of co-accused,
 issue in proceedings [1989] 747
 defendant,
 exclusion for improper dress [1988]
 543
 duplicity [1988] 57
 duress as defence,
 no dispute of evidence [1989] 508
 fair play at [1988] 722
 indictment,
 mutually contradictory counts [1989]
 301
 Trial—*cont.*
 indictment—*cont.*
 whether validly laid [1990] 880
 irregularity not material [1990] 433
 joint enterprise,
 jury and [1989] 506
 judge commanding witnesses,
 whether jury affected [1990] 204
 jurisdiction,
 crime on foreign ship [1989] 591
 jury,
 summing up facts [1989] 781
 summing up law [1989] 768
 material irregularity,
 failure to obtain interpreter [1989]
 457
 miscarriage of justice, and [1990] 615
 no defence evidence,
 prosecution closing speech [1988] 250
 peremptory challenge of jurors [1988]
 731
 Police and Criminal Evidence Act,
 section 78 [1988] 722
 plea,
 change to guilty [1990] 815
 guilty of murder [1990] 882
 private prosecution,
 locus standi [1989] 835
 prosecuting counsel,
 “any comment” by [1990] 432
 prosecution evidence after close of case,
 discretion to admit [1990] 431
 question of bias,
 remarks about current case [1990]
 727
 right to fair presentation [1989] 743
 right to silence [1989] 855
 satisfying the jury [1988] 335
 standby of jurors [1988] 731
 submissions by counsel,
 presence of jury during [1988] 766
 submission of no case
 scope after *Galbraith* [1988] 767
 summing-up,
 alternative verdict [1988] 760
 direction of jury [1988] 464
 omission of essential ingredient [1988]
 127
 unfair reasons, by [1989] 855
 unrepresented defendant [1988] 468
 use of handcuffs,
 procedure [1988] 251
U.S.A.,
 criminal evidence law,
 liberalisation of [1990] 790
 post, *Hinckley* insanity [1988] 88

CUMULATIVE INDEX 1988-1990

Value Added Tax, failing to furnish VAT return [1988] 58	Witness, calling a hostile [1989] 866
Verdict, ambiguity, writ of <i>venire de novo</i> [1988] 542	disclosure by prosecution, unused material, of [1990] 62
majority, propriety of <i>Walhein</i> direction [1988] 60	PACE Act, spouse competence and compellability [1990] 34
unanimity direction, unlawful blow [1988] 625	Words, meaning of, law and [1989] 323
Wildlife, possession or control, dead wild bird, of [1988] 699	Young adult offender [1990] 852

